

3042. Misbranding of thyroid tablets, phenobarbital tablets, sodium pentobarbital capsules, and Benzedrine Sulfate Tablets. U. S. v. Warren U. Rice (Rice Drug Store). Plea of guilty. Defendant fined \$750 and placed on probation for 1 year. (F. D. C. No. 28114. Sample Nos. 60778-K, 60802-K, 60806-K, 60808-K, 60817-K, 60818-K.)

INFORMATION FILED: January 17, 1950, Eastern District of Illinois, against Warren U. Rice, trading as the Rice Drug Store, Centralia, Ill.

INTERSTATE SHIPMENT: Between November 18, 1947, and June 6, 1949, from the State of Missouri into the State of Illinois, of quantities of *thyroid tablets*, *phenobarbital tablets*, *sodium pentobarbital capsules*, and *Benzedrine Sulfate Tablets*.

ALLEGED VIOLATION: On or about June 2, 6, and 13, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be removed from the bottles in which they had been shipped, to be repacked into envelopes, and to be sold without a prescription; and the defendant caused also a quantity of *phenobarbital tablets* that were contained in the original bottle which was shipped in interstate commerce, to be sold without a prescription, which acts of the defendant resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (b) (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents.

Further misbranding, Section 502 (d), the repackaged *sodium pentobarbital capsules*, the repackaged *phenobarbital tablets*, and the *phenobarbital tablets* sold in the original bottle, contained derivatives of barbituric acid, which derivatives had been found to be, and by regulations designated by the Administrator of the Federal Bureau of Investigation as, habit forming; and the labels failed to bear the name, and quantity or proportion of the derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *Benzedrine Sulfate Tablets* were not designated solely by a name recognized in an official compendium, and their labels failed to bear the common or usual name of the drug, namely, Benzedrine Sulfate; and, Section 502 (f) (1), the repackaged drugs and the *phenobarbital tablets* sold in the original bottle, bore no labeling containing directions for use.

DISPOSITION: January 31, 1950. A plea of guilty having been entered, the court imposed a fine of \$750 and placed the defendant on probation for 1 year.

3043. Misbranding of nembutal sodium capsules, seconal sodium capsules, and Benzedrine Sulfate Tablets. U. S. v. Charles H. Stagner (East Erwin Drug Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 26749. Sample Nos. 23850-K, 23856-K, 23864-K, 23873-K, 23876-K, 53206-K, 53207-K.)

LIBEL FILED: November 10, 1949, Eastern District of Texas, against Charles H. Stagner, trading and doing business as the East Erwin Drug Co., Tyler, Tex.

INTERSTATE SHIPMENT: The information alleged that the *seconal sodium capsules*, the *Benzedrine Sulfate Tablets*, and a portion of the *nembutal sodium capsules* had been shipped in interstate commerce between the approximate dates of April 12, 1948, and January 17, 1949, from North Chicago, Ill., Indianapolis, Ind., and Philadelphia, Pa., and that the remainder of the *nembutal sodium capsules* had been manufactured at North Chicago, Ill., and shipped in interstate commerce into the State of Texas.